

STATES' LEGISLATIVE/REGULATORY MEASURES TO ADDRESS CLEAN-UP AND REMEDIATION OF FORMER METHAMPHETAMINE LAB SITES

The National Alliance for Model State Drug Laws' (NAMSDL) ongoing review of state laws, regulations and guidelines, and proposed or pending bills, regulations and guidelines indicates that states focus on establishing guidance in four key areas:

1. Decontamination Standards

- Thirteen (13) states have set decontamination standards for methamphetamine:(meth): Alaska, Arizona, Arkansas, California, Colorado, Idaho, Minnesota, Montana, North Carolina, Oregon, Tennessee, Utah and Washington

Of these states, four (4) set standards for lead and mercury: California, Oregon, Tennessee, and Washington

Current standards are feasibility-based standards which reflect the level of "clean" which states believe, based on available research and science, will provide citizens some protections from long-term adverse health consequences of exposure to meth lab environments.

Optimal standards would be health-based standards which establish the level to which one would need to clean to prevent the average person from suffering long-term adverse health consequences. Existing research is insufficient for federal, state and local officials to determine that level of "clean". In the absence of such definitive research, states have implemented feasibility-based standards.

2. Regulation of clean-up contractors:

- Establishing certification and training requirements for contractors and their employees
- Establishing work plans

3. Requiring Certain Types of Notice, including:

- Notice upon discovery of a meth lab to specified state and local officials, and property owners
- Notice by the seller to a buyer or other transferor that a particular property was a former meth lab site (Arizona, Alaska, California, Minnesota, Oregon)
- Public notice through a Web site or a state-certified/authorized list or registry of locations that have been former meth lab sites and/or of clean-up contractors certified or otherwise approved by the state.
- Notice in property records (e.g., filed with county auditors or a registrar of deeds) that a location has been the site of a meth lab, and, if applicable, that the property has been cleaned up and remediated.

4. Identifying Funding Options for Clean-up and Remediation of Former Meth Lab Sites

- Appropriations
- Offender assessments or penalties
- Federal grants or other federal monies